

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY  
ORDINANCE COMMITTEE  
MINUTES OF PUBLIC MEETING**

DATE.....August 6, 2003  
TIME.....4:30 P.M.  
PLACE.....COUNTY OFFICE BLDG.  
20 N. 3RD STREET  
LAFAYETTE IN 47901

**MEMBERS PRESENT**

Jan Mills  
Karl Rutherford  
Steve Schreckengast  
Jack Rhoda  
Mark Hermodson  
Gary Schroeder  
David Williams

**STAFF PRESENT**

James Hawley  
Sallie Fahey  
Margy Deverall  
Kathy Lind  
Jay Seeger, Atty.

Jan Mills called the meeting to order.

**I. APPROVAL OF JULY 15, 2003 MEETING MINUTES**

Jack Rhoda moved to approve the minutes from July 15, 2003. Steve Schreckengast seconded and the motion was carried by voice vote.

**II. DISTRIBUTION OF REVISED COMPREHENSIVE PLAN (LAND USE) ORDINANCE PRIORITIES LIST:**

Sallie Fahey informed the Committee that the list that was sent with the packet has been revised. She stated that additions under the UZO section included: R3 Light and R3 Conversion; R1A minimum lot width; and R2 % of lot coverage. She said that the topics of R1C, R1Z, R1A and R2 could all be one discussion. She mentioned that all completed items had been removed from the list and all remaining items were in progress, assigned to a staff member or committed in some way.

Steve Schreckengast stated that he would like to see the discussions on zoning classifications moved higher in the priority list. He mentioned that if some of the zoning classifications were implemented, it might free up some staff time. He asked if there was someone interested in having a winery and what the topic would cover.

Sallie Fahey replied that there was someone wanting to do a winery. She explained that right now a winery is only permitted as an industrial use and probably should be considered for an agricultural zone. She stated that she gave some research materials to Jay Seeger and asked him to look into 2002 State statute revision on farm wineries.

Steve Schreckengast asked if someone was prepared to open a winery pending the Commissions decision.

Sallie Fahey stated they are ready to find property.

Steve Schreckengast asked for clarification that Sallie Fahey was suggesting that the bottom 5 topics under UZO be discussed together. He asked if shared parking and wineries could be done in one meeting.

Jack Rhoda questioned the topic of new setbacks along South River Road.

James Hawley stated that topic was completed and just not taken off the list yet. He mentioned that all floodplain issues have to be proposed to DNR for approval before it can be implemented.

William Davis, TBird Design, 4720 South 100 West, Lafayette, IN, stated that in 1992, 1998 and several times since then, he and several homeowners associations have lobbied for changes in the R1, R1A, R1B, R2, R3 and PD requirements and processes. He suggested that R1, R1A and R1B be discussed together, R1C and R1Z be together, R3 be discussed on its own and R2 was small and could be done anytime. He mentioned that the discussion on the PD process was not on the list at all.

Sallie Fahey explained that the reason that the PD issue was not on the list was because there has not yet been a direction determined through the efficiency work sessions.

Mark Hermodson stated that the PD discussion should continue through the efficiency work sessions before being put on the Ordinance Committee list.

Steve Schreckengast stated that tweaking the minor modifications requirements and giving more authority to the Administrative Officers have been discussed for a long time. He said that part of the PD process is ready to be discussed.

Jan Mills pointed out that there was no conclusion drawn in the efficiency work session on that topic.

Sallie Fahey suggested putting it on the list and once a direction has been determined by the efficiency work session, then review where in the priorities it should be.

Steve Schreckengast said that he did not think the PD discussion would take an entire meeting. He asked Bill Davis if there were any other critical PD issues that should be considered.

William Davis stated that the minor modifications topic would clarify a few things and make the Administrative Officers job easier. He stated that he wanted to review and make a presentation on the entire PD process.

Sallie Fahey suggested listing the PD process in general and at a later date, sort out what parts to do at what time.

There were no objections.

Jan Mills asked if there were any comments or objections to groping the topics as per William Davis's suggestion.

There were no objections.

Sallie Fahey asked for direction on how to prioritize the topics.

Steve Schreckengast asked Sallie Fahey what items she thought were critical.

Sallie Fahey stated that in addition to the zoning districts, the wineries issue should also be a top priority. She explained that the person interested in starting a winery has been inquiring about it for about a year.

Steve Schreckengast asked what the topic of shared parking entailed.

Jan Mills stated she would like to see shared parking as a high priority because it will probably come up again soon.

Sallie Fahey stated that the Ordinance Committee has asked the staff to look into that topic. She said that shared parking should be a high priority because of the length of time it has been waiting.

Steve Schreckengast asked if that topic would take an entire meeting.

Sallie Fahey stated that it would probably take several meetings. She said that since the topic of fences on rear property lines on through lots has been overly discussed and reviewed with no conclusion or compromise ever reached it should not be a high priority at this time.

Margy Deverall stated that she would need to have further discussions with West Lafayette officials regarding the topic of height standards in the CBW zones, before a priority determination is made.

Steve Schreckengast asked for clarification that CBW was strictly a West Lafayette zone.

Several members replied affirmatively.

Jan Mills suggested putting that topic low on the list.

There were no objections.

Steve Schreckengast asked what was left to discuss regarding rural outdoor signs.

Sallie Fahey stated that topic was sent to a subcommittee consisting of Joseph T. Bumbleburg, James Hawley, Mark Hermodson and herself. She explained that once it was adopted, there were several requests for further changes regarding charity or volunteer-type functions. She said they were still researching right-of-way issues and Kiosks.

James Hawley stated that Joanna Grama had written a legal opinion that he was looking at pertaining to the sign ordinance.

Steve Schreckengast asked if the few changes they had made to the sign ordinance had helped alleviate some of the problems.

Al Levy replied he didn't see all of the sign applications but was not sure if it has helped. He said the Committee has met a few times but was not sure what the total progress was.

Jan Mills asked about the Historic structures.

Sallie Fahey stated that should not be difficult because the language would mimic the Lafayette Ordinance.

Jan Mills stated that the things that should be worked on first is the zoning R1, R3, PD process, shared parking and wineries.

Sallie Fahey stated they would work further on the UZO after the outcome of the Efficiency meetings had been determined. She said that to work on rewriting the Comprehensive Plan would take an extensive amount of time and should be put off for a while. She said they were half way through the procedures and standards for the Rural Estate and hopefully in a few months be done with that. She added that the digital submission was waiting on the County to state it was ready to start it and that could be wrapped up. She said the MR zones could be done when the Hanna Neighborhood rezone took place. She stated there had been few requests for this zone so it was not urgently important. She said apartments in business zones could also be a lower priority because of few requests regarding that issue. She said it looked like the southwest zone map looked close to being done. She said North 9<sup>th</sup> Street is already underway;

Wallace triangle will start after tomorrow's meeting. She said as soon as RE items were finished, she would once again start work on Wabash Township rezone. She stated the Comprehensive Plan updates should be ready to go to the full Area Plan Commission by October. She stated that they would be also working on the housing element, which is located in the packet, and they would be wrapping up the Efficiency meeting items in the fall.

Karl Rutherford asked how often the countywide inventory took place.

James Hawley stated that typically this is done every 10 years, but the last inventory was done in 1999 and should be updated because of so much growth and development in the county.

Steve Schreckengast asked what employees of the Area Plan Commission would be used in this study.

James Hawley stated the planners and transportation planners.

Steve Schreckengast asked if a college intern could do this and not take up so much time of the planners.

Sallie Fahey said more than one person needed to conduct the inventory because it was not safe. She said it would take two people about 6 months to do the entire county. She stated the other problems in the past with using college students in work with neighborhoods and staff had to spend as much time rechecking the data the students collected as would to do the inventory yourself.

James Hawley stated there is a certain amount of professional judgment that is needed would conducting the inventory.

Steve Schreckengast asked if anyone used the data once it was compiled together.

Sallie Fahey stated it is used over and over in many different areas. She said the information is used on a daily basis.

James Hawley stated that a 5-year comparison is used often in the staff reports. He said another use is finding soft neighborhoods where they are starting to physically fall apart and might need some help with planning.

Steve Schreckengast asked Opal Kuhl if she used the report.

Opal Kuhl replied she used it every time they had a design project and hire consultants. She said the information is shared and used for projections. She stated they use it a lot.

Sallie Fahey said it is the most basic and used information needed in a whole spectrum of planning.

Opal Kuhl cited a recent example where the City of Lafayette used information from this report.

Steve Schreckengast continued to question the validity of this study.

Sallie Fahey explained that while checking the zoning of the area, they also base the development against a list of criteria for condition, which in turn is placed in a simplified code on aerials.

James Hawley stated that these studies are also important for Community Redevelopment grants and HUD. He stated that these studies were essential for HUD and applying for grants.

Steve Schreckengast said he understood the importance of the study, but questioned using planners for the job.

Jan Mills asked for further comments. She moved onto the southwest-zoning map.

### **III. SOUTHWEST LAFAYETTE ZONING MAP:**

James Hawley pointed out that the last annexation to the city was to the edge of the Town of Shadeland. He handed out the map to the Committee. He said he had recently received permission from DNR to change the floodplain on portions of the map along the Elliot Ditch and Durkees Run. He said Area Plan Commission has a lot of information on this area but DNR has never authorized a floodplain change in this area until now. He pointed out on the map some of the changes that would take place. He said the map changes that would take place would be between Kossuth Street, 9<sup>th</sup> Street, CR 350 South and over to the new Lafayette City line which is along east border of the Town of Shadeland. He stated there were four properties that were zoned GB and apartment buildings were built. He said these became totally non-conforming with the adoption of the 1998 Zoning Ordinance. He stated he has talked to two of the owners and they have agreed that R3 is the appropriate zone for this area and this would correct the non-conformity and it would be at no cost to them. He stated he has not heard back from Mr. Riggle regarding two of the structures. He stated he spoke with Tom McCully regarding Weaton Planned Development, which shows a current zone of R1, but that makes this old ordinance a PUD which was approved with a whole list of covenants. He explained that the ordinance would allow that to be designated as a PD classification. He explained where this property was located on the map. He stated that there was an assisted living facility in this development and would not violate the PDNR zone. He said that this would be an opportunity to clear up confusion on the zoning map. He stated that he was waiting for Tom McCully to get back to him on this issue. He mentioned that Derrin Sorenson agreed that the two apartment complexes on South Beck Lane could be rezoned.

Steve Schreckengast asked if the map was the proposed version or the current version.

James Hawley stated that this was the current version except for the 4 properties under discussion. He said that the goal is to have a cleaner map that replicates everything to the best of our ability to correct the 1/4 to the inch township maps.

Steve Schreckengast asked if Rostone Circle was R1.

James Hawley replied affirmatively.

Mark Hermodson stated that this proposal made a lot of sense and that this should proceed.

Several members agreed.

James Hawley pointed out that this proposal also narrowed the floodplain along Elliott Ditch to its actual size, which DNR authorized.

Steve Schreckengast asked if all the property owners that were getting a zoning change agreed.

James Hawley reiterated that the only owner that he has not heard from was Mr. Riggle.

The motion to put the proposed Southwest Lafayette zoning map on the September Area Plan Commission meeting agenda was carried by voice vote.

Steve Schreckengast asked for confirmation that the difference between this and other neighborhoods is that everyone is in agreement with everything.

James Hawley explained that nothing is being changed here, except for the ones he specified. He stated that the South 2<sup>nd</sup> Street neighborhood might have to be changed, but that should be handled separately and not hold up this proposal.

Steve Schreckengast asked if the Saddlebrook Habitat PD was in this area.

Sallie Fahey stated that they had decided to proceed with it as PD.

James Hawley mentioned that they have not gone any further into the process yet. He said that it was off of Breakenridge Street and Walker Court, currently zoned R1.

#### **IV. RURAL ESTATE SUBDIVISION PROCEDURE (USO 3.6) CONTINUED DISCUSSION**

Sallie Fahey stated that Mark Albers would confirm whether he could be at the August 19 Ordinance Committee meeting. She mentioned that Mark Albers informed her that he spoke to the County Commissioners regarding the issue of whether it was in the County's best interest to allow any public roads in RE subdivisions given the reduced budget and denial of the wheel tax. She explained that Mark Albers would address this issue along with the issues whether there can be two RE roads onto a County road and how far back the first driveway has to be from that intersection. She asked that this discussion be the first thing on the agenda for the August 19 meeting.

Steve Schreckengast mentioned that there would be a scheduling conflict for a lot of members on August 19.

Jan Mills mentioned that there would also be a scheduling conflict for a lot of members on September 3.

David Williams mentioned that he frequently has a conflict with the 3<sup>rd</sup> Tuesday of the month because of the Chamber meetings.

*Discussion on the meeting dates of August 19, 2003 and September 3, 2003 and permanently changing the regularly scheduled meeting days.*

James Hawley stated that the Executive Committee meeting is set in the bylaws and cannot be changed.

Steve Schreckengast recapped that the next Area Plan Commission meeting will be on August 20, 2003, the Efficiency Work Session will be on August 21, 2003, the Executive Committee meeting will be on September 3, 2003 and the next Ordinance Committee meeting will be on September 16, 2003.

Sallie Fahey reiterated that the next two Ordinance Committee meetings would be cancelled.

Steve Schreckengast asked if there was a Thoroughfare meeting scheduled for September 4, 2003.

James Hawley stated that the Thoroughfare meeting was planned, but not confirmed for that date, another meeting date will be announced.

Sallie Fahey stated that the Ordinance Committee on September 16 would consist of the revisions to 3.6 Rural Estate Subdivision and one change to 5.13(2) (viii). She said that she would contact Mark Albers and reschedule his discussion for September 16.

James Hawley informed the Committee that they would be receiving a notice for an Administrative Committee meeting on August 15 at 9 am.

Jack Rhoda stated he could not make that meeting.

James Hawley mentioned that Jack Rhoda would have to appoint someone in his place since Jan Mills was not eligible to serve for him. He informed the Committee that the Administrative Committee would be reviewing the 2004 TIP and recommending it to the Plan Commission for the August 20, 2003 agenda.

Jack Rhoda appointed Karl Rutherford to take his place.

### **III.CITIZEN COMMENTS**

### **IV. ADJOURNMENT**

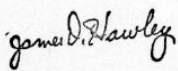
Mark Hermodson moved to adjourn. Karl Rutherford seconded and the motion carried by voice vote.

Respectfully submitted,



Michelle D'Andrea  
Recording Secretary

Reviewed by,



James D. Hawley, AICP  
Executive Director